

UPN-02906AUSA

REMARKS/ARGUMENTS

After entry of these papers the pending claims are 1-35. Claims 11, 13, 15, and 21 have been amended by only changing the dependency of the claims. Support for these amendments can be found in the claims as originally filed.

Traversal of the Examiner's Species election requirements

The Examiner asserts claims 3-5, 7, 10, 12, 16, 21, and 34 are "generic to a plurality of disclosed patentably distinct species" as follows:

1. Claim 3- species of *progenitor cells*: (a) common lymphoid progenitor, (b) common myeloid progenitor, (c) megakaryotic/erythrocyte progenitor, and (d) granulocyte/macrophage progenitor.
2. Claim 4- species of *differentiated cells from megakaryotic/erythrocyte progenitor cells*: (a) platelets, (b) megakaryocytes, and (c) erythrocytes.
3. Claim 5- species of *differentiated cells from granulocyte/macrophage progenitor cells*: (a) neutrophils, (b) eosinophils, (c) monocytes, (d) basophils, and (e) immature dendritic cells.
4. Claim 7- species of *differentiated cells from monocytes*: (a) mast cells, (b) macrophages, and (c) dendritic cells.
5. Claim 10- species of *promoters*: (a) Platelet factor 4 promoter, (b) glycoprotein IIb promoter, (c) glycoprotein IIIa promoter, and (d) glycoprotein VI promoter.
6. Claim 21- species of *host cells* (a) common lymphoid progenitor cells, (b) common myeloid progenitor cells, (c) megakaryotic/erythrocyte progenitor cells, (d) granulocyte/macrophage progenitor cells, (e) platelets, (f) megakaryocytes, (g) neutrophils, (h) eosinophils, (i) monocytes, (j) basophils, (k) dendritic cells, (l) mast cells, (m) macrophages, (n) dendritic cells, (o) erythrocytes, and (p) natural killer cells.
7. Claim 34- species of *fibrinolytic proteins*: (a) u-PA, (b) Factor VIIa, (c) Factor VIII, (d) Factor IX, and (e) fibrinogen.

Applicants respectfully traverse this species restriction requirement. The traversal is on the grounds that the Examiner has not shown a *prima facie* case indicating a serious burden regarding search and examination of any of the claimed species. M.P.E.P. § 802.3 provides "[i]f the members . . . are sufficiently few in number or so closely related that a search and examination of the entire claim can be made without serious burden, the examiner must examine all the members".

Applicants respectfully request reconsideration and withdraw of the species election requirements.

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In the event the Examiner does not withdraw the species election requirements, Applicants request "should no prior art be found that anticipates or renders obvious the elected species, the search of the Markush-type claim [or claims] will be extended" (M.P.E.P. § 803.02).

The Director is hereby authorized to charge any deficiency in any fees due with the filing of these papers or credit any overpayment in any fees to our Deposit Account Number 08-3040.

Respectfully submitted,
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